

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:14-CR-00087-F-2

UNITED STATES OF AMERICA

v.

ANTONIO McKOY,

Defendant.

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ORDER

This matter is before the court on Antonio McKoy's letter motion [DE-106]. In his motion, McKoy requests that his federal sentence be run concurrently with his state sentence.

On December 1, 2014, McKoy pled guilty to a one-count Criminal Information [DE-58], which charged him with conspiracy to distribute and possess with intent to distribute twenty-eight grams or more of cocaine base (crack), in violation of 21 U.S.C. §§ 841(b)(1)(B), 846. On March 11, 2015, McKoy was sentenced to 188 months' imprisonment. *See* Judgment [DE-85]. It was ordered that the sentence would run consecutive to any previous state or federal sentence. *See id.*

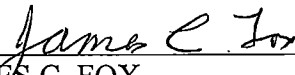
Pursuant to 18 U.S.C. § 3582(c), a court may not modify a term of imprisonment once imposed, except on motion of the Director of the Bureau of Prisons, under limited circumstances that are not applicable in this case, or under Rule 35 of the Federal Rules of Criminal Procedure. Rule 35(a) provides that a court may correct an arithmetical, technical, or other clear error in a sentence within 14 days of the announcement of the sentence. Rule 35(b) provides that a court may reduce a sentence only on motion of the government based upon substantial assistance provided by the defendant after his sentence.

Here, the court does not have the authority to modify McKoy's sentence. Consequently,

McKoy's letter motion [DE-106] is DENIED.

SO ORDERED.

This, the 5th day of July, 2016.



JAMES C. FOX
Senior United States District Judge